

PACHULSKI STANG ZIEHL & JONES LLP

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Counsel for Highland Capital Management, L.P.

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

In re:	§	
	§	Chapter 11
HIGHLAND CAPITAL MANAGEMENT, L.P., ¹	§	
	§	Case No. 19-34054-sgj11
Debtor.	§	
	§	
HIGHLAND CAPITAL MANAGEMENT, L.P.,	§	
	§	
Plaintiff,	§	Adversary Proceeding
	§	
vs.	§	No. 20-3190-sgj11
	§	
JAMES D. DONDERO,	§	
	§	
Defendant.	§	

¹ The Debtor's last four digits of its taxpayer identification number are (6725). The headquarters and service address for the above-captioned Debtor is 300 Crescent Court, Suite 700, Dallas, TX 75201.

**DEBTOR’S WITNESS AND EXHIBIT LIST WITH RESPECT
TO EVIDENTIARY HEARING TO BE HELD ON FEBRUARY 5, 2021**

Highland Capital Management, L.P. (the “Debtor”) submits the following witness and exhibit list with respect to *Plaintiff’s Motion for an Order Requiring Mr. James Dondero to Show Cause Why He Should Not Be Held in Civil Contempt for Violating the TRO* [Docket No. 48] which the Court has set for hearing at 9:30 a.m. (Central Time) on February 5, 2021 (the “Hearing”) in the above-styled adversary proceeding (the “Adversary Proceeding”).

A. Witnesses:

1. James P. Seery, Jr.;
2. James Dondero;
3. Scott Ellington;
4. Isaac Leventon;
5. Any witness identified by or called by any other party; and
6. Any witness necessary for rebuttal.

B. Exhibits:

Letter	Exhibit	Offered	Admitted
1.	Debtor’s Amended Witness and Exhibit List With Respect to Evidentiary Hearing to be Held on January 8, 2021 [Docket No. 46]		
2.	Declaration of Mr. James P. Seery, Jr. in Support of the Debtor’s Motion for a Temporary Restraining Order Against Mr. James Dondero [Docket No. 46-1]		
3.	Letter from NexPoint Advisors, L.P. and Highland Capital Management Fund Advisors, L.P to James Seery dated October 16, 2020 [Dondero Deposition Exhibit 1; Docket No. 46-2]		
4.	Letter from NexPoint Advisors, L.P. and Highland Capital Management Fund Advisors, L.P to James Seery dated November 24, 2020 [Dondero Deposition Exhibit 2; Docket No. 46-3]		

Letter	Exhibit	Offered	Admitted
5.	Email string dated between November 24, 2020 and November 27, 2020 re SKY equity [Dondero Deposition Exhibit 3; Docket No. 46-4]		
6.	James Dondero text messages dated November 24, 2020 [Dondero Deposition Exhibit 4; Docket No. 46-5]		
7.	Debtor's First Request for the Production of Documents Directed to James Dondero [Dondero Deposition Exhibit 5; Docket No. 46-6]		
8.	Text messages between James Dondero and Jason Rothstein (Dondero 000022; Dondero Deposition Exhibit 6; Docket No. 46-7]		
9.	Text messages between James Dondero and Tara Loiben (Dondero 000013; Dondero Deposition Exhibit 7; Docket No. 46-8]		
10.	Order Resolving James Dondero's Emergency Motion for a Protective Order [Docket No. 46-9]		
11.	Order Granting Debtor's Motion for a Temporary Restraining Order Against James Dondero [Dondero Deposition Exhibit 9; Docket No. 46-10]		
12.	Letter from Pachulski Stang Ziehl & Jones LLP to D. Michael Lynn dated December 23, 2020 [Dondero Deposition Exhibit 10; Docket No. 46-11]		
13.	Email string dated December 18, 2020 re Jefferies recap [Dondero Deposition Exhibit 11; Docket No. 46-12]		
14.	Response to K&L Gates LLP dated December 22, 2020 [Dondero Deposition Exhibit 12; Docket No. 46-13]		
15.	Response to K&L Gates LLP dated December 23, 2020 [Dondero Deposition Exhibit 13; Docket No. 46-14]		
16.	Email string dated December 4, 2020 re Multi Strat summary balance sheet as of October 31, 2020 [Docket No. 46-15]		
17.	Email string dated December 12, 2020 re possible deal [Dondero Deposition Exhibit 15; Docket No. 46-16]		
18.	Email string dated December 16, 2020 re list for joint meeting [Dondero Deposition Exhibit 16; Docket No. 46-17]		
19.	Text messages between James Dondero and Melissa Schroth (Dondero 000014; Dondero Deposition Exhibit 17; Docket No. 46-18]		

Letter	Exhibit	Offered	Admitted
20.	Text messages between James Dondero and Isaac Leventon (Dondero 000043; Dondero Deposition Exhibit 18; Docket No. 46-19]		
21.	Email string dated December 24, 2020 re HarbourVest settlement motion [Docket No. 46-20]		
22.	Letter from Bonds Ellis to J. Pomerantz dated December 29, 2020 [Docket No. 46-21]		
23.	Email string dated between December 7, 2020 and December 8, 2020 re call scheduled by Scott Ellington [Docket No. 46-22]		
24.	Email string dated December 15, 2020 re The Dugaboy Investment Trust and Get Good Trust Common Interest Agreement [Docket No. 46-23]		
25.	Letter from K&L Gates to J. Pomerantz dated December 31, 2020 [Docket No. 46-24]		
26.	Email string dated December 23, 2020 re Dondero call [Docket No. 46-25]		
27.	Letter from Pachulski Stang Ziehl & Jones LLP to D. Michael Lynn dated December 23, 2020 [Dondero Deposition Exhibit 10]		
28.	Declaration of John A. Morris in Support of the Debtor's Motion for an Order Requiring Mr. James Dondero to Show Cause Why He Should Not Be Held in Civil Contempt for Violating the TRO [Docket No. 50]		
29.	The Official Committee of Unsecured Creditors' Expedited Requests for Production of Documents to Highland		
30.	The Official Committee of Unsecured Creditors' Second Requests for Production of Documents to Highland		
31.	The Official Committee of Unsecured Creditors' Third Requests for Production of Documents to Highland		
32.	The Official Committee of Unsecured Creditors' Fourth Requests for Production of Documents to Highland		
33.	Official Committee of Unsecured Creditors' Emergency Motion to Compel Production by the Debtor [Docket 808]		
34.	Debtor's Motion for Entry of (I) A Protective Order, or, in the Alternative, (Ii) An Order Directing the Debtor to Comply With Certain Discovery Demands Tendered by the Official Committee of Unsecured Creditors, Pursuant to Federal Rules		

Letter	Exhibit	Offered	Admitted
	of Bankruptcy Procedure 7026 and 7034 [Docket 810]		
35.	Transcript of 07/21/20 Hearing		
36.	Transcript of 01/08/21 Hearing		
37.	Transcript of 01/26/21 Hearing		
38.	Any document entered or filed in the Adversary Proceeding, including any exhibits thereto		
39.	Any document entered or filed in the Debtor's chapter 11 bankruptcy case, including any exhibits thereto		
40.	All exhibits necessary for impeachment and/or rebuttal purposes		
41.	All exhibits identified by or offered by any other party at the Hearing		

Dated: February 1, 2021.

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-and-

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